

REMARKS

I. RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 CFR 1.142

In response to the restriction requirement set forth in the Office Action dated June 15, 2004, Applicant elects to have prosecuted Group II including claims 30-44.

II. DOUBLE PATENTING

A Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent Under 37 CFR 1.321 is being filed herewith.

III. PRIOR ART REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

Claims 30, 31, 33-37, 39-44 have been rejected under 35 USC 102(e) as being anticipated by Tsai et al. (U.S. Patent No. 6,562,891). The Applicants respectfully traverse this rejection.

The inventions claimed in the present invention relate to the manufacture of something that is not described by Tsai et al. Specifically, claim 30 is a method of fabricating a composite electrolyte for use in an electrochemical fuel cell. Tsai is not a method of fabricating such a composite electrolyte, rather it is a method of manufacturing a polymer.

According to the present invention, the composite electrolyte fabrication includes applying onto a surface of a substrate a viscous liquid composition of (a) an inorganic cation exchange material, (b) silica-based material, (c) a polymer-based material, and (d) a solvent-dispersant. In other words, the present invention describes a composite electrolyte, which is like a membrane and is fabricated using a viscous liquid that includes a polymer-based material. A polymer-based material can be, therefore, thought of as an ingredient in the manufacture of a composite electrolyte of the present invention. Tsai et al. describe the manufacture of such a polymer-based material, but not the manufacture of a membrane, which is ultimately produced from the polymer based-material. The present invention claims that a polymer-based material can be further processed to manufacture the membrane or the composite electrolyte. Tsai et al. does not describe this. For the same reasons, Tsai does not render obvious the inventions claimed.

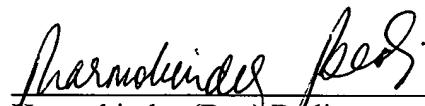
CONCLUSION

Thus, in light of the above, having responded to each and every ground of rejection, Applicants respectfully request reconsideration and allowance of the pending claims in the above-mentioned application.

Respectfully submitted,

DECHERT LLP

Dated: September 15, 2004

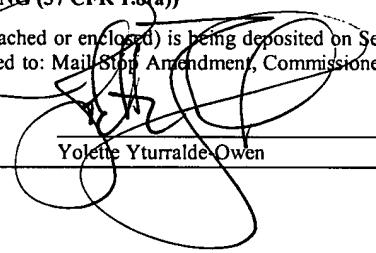

Harmohinder (Ben) Bedi
Reg. No. 39,904

DECHERT LLP
Customer No. 37509
P.O. Box 10004
Palo Alto, CA 94303-0961
Tel: 650. 813.4800
Fax: 650.813.4848

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on September 15, 2004, with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Date: September 15, 2004


Yolette Yturralde Owen